

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

RECEIVED
SEP 20 2021

Kenneth V Iacone Sr.

(Enter above the full name of the plaintiff in this action)

COMPLAINT
ATTEST
WILLIAM T. WALSH
CLERK

V.

Civil Action No. _____

(To be supplied by the Clerk of the Court)

Northern State Prison Medical
Mental Health and Administr-

ation's Department / Medical - MS White - Head of Medical, Dr. M. De Maria, Mental Health - Dr. McGarr
Dr. Bartoloni, Administrations - A gangi, M. Klauzsky DO, Mental Health

(Enter the full name of the defendant or defendants in this action)

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

- c. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: 9 / 15 / 2021e. Approximate date of disposition: 8 / 13 / 2021

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Northern State Prison, 168 Frontage Rd, Newry, NY 07114
C-3-W, 318-B

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Kenneth V. Tacone Sr

Address: Northern State Prison, 168 Frontage Rd, Newark, NJ, 07114, C-3-W, 318-B

Inmate#: SBI-567990B / Inmate# 1229901

b. First defendant:

Name: A. Gangi

Official position: Administrations

Place of employment: Northern State Prison, same as address above

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

I wrote up a write up to him telling him that even though we are on Quarantine we still have legal rights and need things done like see a doctor, Mental Health because I just got back from St Francis Hospital thinking I had a stroke, but diagnosed with Turrets Syndrome and (TD) Tardive Dyskinesia and told him I need med to control the new disorders and he wrote back you are on Quarantine nothing we can do, I appealed and she deemed appropriate to the den

c. Second defendant: He mainly denied me medical and mental health attention, Medical Neglig

Name: Dr. Maria DeMaio FNP-BC

Official position: Medical Provider FNP-BC

Place of employment: Northern State Prison, same address above

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Came back from St Francis Hospital and her going over my new Disorders and not even putting me on any medications to control those new Disorders, she just let me leave medical and let my Disorders be out of control now worse then ever. Been asking for help for a month now with no medical or Mental Health attention

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I wrote it up to Admin A. Gangi Telling him that even though we are on Quarantine we still have legal right to see Medical, Mental Health, Legal Services. A. Gangi wrote back and said we are on Quarantine, I appealed it and still A. Gangi wrote back that everything was deemed appropriate, case closed. Also mentioned maybe send a para legal over, But nothing about Medical or Mental Health issue I have and need to be seen. No relief sought.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

1. Introduction
 2. Background
 3. Methodology
 4. Results
 5. Conclusion
 6. References
 7. Appendix
 8. Figure 1
 9. Figure 2
 10. Figure 3
 11. Figure 4
 12. Figure 5
 13. Figure 6
 14. Figure 7
 15. Figure 8
 16. Figure 9
 17. Figure 10
 18. Figure 11
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 217. Figure 210</

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial () Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15th day of September, 2021



Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).

I request permission to proceed in forma pauperis due to I dont get much help from the outside and if I do its not much for the month and the Stimulus check is gone already except for a few dollars. I ask please to help me proceed in forma pauperis and thank you.

More Defendants

Name: Dr. Eugene Garcia

Official Position: Mental Health Doctor

Place of employment: Northern State Prison, same address

How is this person involved: On 8-17-2021 when I got back from the hospital he came and saw me and he told me that I had Turrets Syndrome and (T.D.) Tardive Desnesia and all he did was give me 1mg. clonapin so that I can sleep at night and if it didnt work that he would raise it. I've written multiple times telling him and no response. Also after telling me my new Disorders, he didnt even perscribe me meds to control the new disorders, like Dr. Marica DeLaio. I've been asking for a month now and all I get is Medical Negligence. No where with these people

Name: Ms White

Official Position: Head of Medical Department

Place of Employment: Northern State Prison, same address

How is this person involved: I have been in touch with medical Ms White for a month now and she wrote back to one of my write ups and said that I could be seeing a Doctor about my disorders on 9-8-2021. Well 9-8-2021 came and passed and I've yet to see a Doctor or Mental Health for my disorders to get put on the right meds to slow me down and help these disorders I have now.

Name: Dr. Bartanni

Official Position: Mental Health - Psycho Therapist

Place of Employment: Northern State Prison, same address

How is this person involved: I have been writing write ups after write ups asking to see her and all I get is that it will get forwarded and nothing happens. Its been a month since I've seen Dr. Bartanni. She is my Counselor for Mental Health. I am special Needs and I really needed to see her. I have been going through it really bad with these 2 new disorders and I would normally tell her and she would help, but she hasnt did anything to help me or my disorders now that I haven been perscribed meds to help control my disorders and its drivin me insane and its uncontrollable with twitching and jerking of my neck and left arm and staddering and blarney things out.

Name: Northern State Prison Medical Department
Official Position: Treat Inmates that have medical problems
Place of Employment: Northern State Prison, same address
as is this person involved: Because When this first happened to me
 I wrote the medical Department a day before and I put it was urgent on the kiosk about all of my symptoms and they just didn't care. They didn't answer my write up or even send for me. I wrote to the medical department on 8-10-2021 on the kiosk

Name: Northern State Prison Mental Health Department
Official Position: Treat Inmates with Special Needs and problems
Place of Employment: Northern State Prison, same address
as is this person involved: These two Doctors are here to help provide medications to control disorders that can't be controlled on its own and also talk with you to see how you are doing and feeling, so that they can give progress notes to one another. Both Dr. E. Garcia and Dr. Bartanni has done nothing for me since 8-17-2021. I also wrote to the Mental Health Services on 8-9-2021 telling them what was going on with me and that something was wrong and needed to be seen and all I got was I will forward the message and nothing came about helping me

Name: Administrations Department of Northern State Prison
Official Position: Keep prison running in order and getting Inmates what is needed for them and the prison
Place of Employment: Northern State Prison, same address
as is this person involved: They are supposed to be there to help you when things go wrong like in my situation and not getting help from medical or Mental Health. They step in and find out what the problem is. But as you can see A. Gangi and the write up I've written him and then applied his decision because he says we were in Quarantine, this does not mean we don't or I don't get medical attention or Mental Health

③

Name	Megan Klansky DO
Official Position	Mental Health Doctor
Place of Employment	Northern State Prison, same address
Is this person involved?	<p>She came to my unit today on C-3-W asking how I'm doing after not seeing me for over a month because she is the person that prescribes meds for our disorders. I told her that I've put in write ups after write ups and grievances and nobody answered any of them. She tells me that we were on Quarantine and I told her that I was in lots of pain and that my disorders were taking over my left side of my body and it got worse because Nobody ever came to give me medical treatment or meds to get these disorders under control. I've told her that I couldn't sleep and that Dr. Garcia prescribed me 1mg clonazepam to maybe help and make me sleep at night and if it didn't work, let him know and he would raise the dosage. I told her to go ask him because she didn't believe me and she just walks away with out a care in the world. At least that's how she made me feel and a few Inmates around said the same thing. I have so many witnesses to my Disorders getting worse and willing to be put down as witnesses, which I will put on another page.</p>

Statement Of Claim

On 8-9-21 I wrote on the kiosk to Mental Health telling them that something was really wrong with me and all I got in response was I will forward the message. H. Goldstien I believe said the message will be forwarded. Nothing came about it, not from Dr. Bartanni nor Dr. E. Garcia in the Mental Health Department.

On 8-10-21, I wrote on the kiosk again, this time to medical department telling them that it was urgent and things were very wrong with my body movements. I never even got a response from the medical department, only on the day of 8-11-21 when I went to group and Ms. Register and Mr. Martinez saw that something was wrong with me and called medical to get me. When I got to Medical and that's only when they find out that I've written them otherwise they would have not even responded for a few days, may be. While I was in the Medical department the Doctor and nurses started to examine me because they think that I had a stroke and had all the signs of a stroke. I was taken to St. Francis Hospital in Trenton, NJ on 8-11-21, where I stayed for testings and because of all the head twitching and arm jerking they were unable to do a few tests on me that were (MRI) really important. The Hospital releases me on 8-13-21 and sends me to East Jersey State Prison Isolation for 3 days when I left on 8-16-21. and came back to Northern State Prison where I saw Dr. Marica DeMaio and she tells me that I have Turrets Syndrome and (TD) Tardive Dismesia and just sends me on my way to a Quarantine for being out of the prison where I saw Dr. Bartanni on 8-17-2021 and her telling me I have Turrets Syndrome and not doing anything about it. I then see Dr. Garcia and he tells me the same as all the other doctors told me, but he prescribed me Colanopin for at night time to help me sleep, but nothing to help these terrible disorders I'm going through. Dr. Garcia told me if the drug didn't work he would raise it. I've put multiple write-ups to him asking and nothing has happened. On 8-18-21 I was brought back to C3W and they wanted to put me on a top bunk and I and a few other inmates and officers had to kick up because they new I had a bottom bunk pass and they wanted to put me on a top bunk. Well the Lt. came and put me on the bottom bunk, but he put me all the way up stairs. They had me climbing stairs for a month until Officer Dawson

②

made a call and had me put down stairs. All this time that we have been on Quarantine because some ppl came up positive, Administrations took away all our privledges and I've wrote up A. Gangi and he wrote back that we are on Quarantine and I Appealed and it came back deemed appropriate, case closed. Lilce my medical or Mental Health was nothing to him or any of the other Staff I've written up Mental Health, Medical, Administrations, no resposner back, I've put in greivences on Medical and Mental Health and I more then likely, wont here from those gricvences on Medical or Mental Health until the 30 days is almost up. Never heard back from Dr. Garcia or Dr. Bartanni with all the write ups I put in and here it is 9-13-2021. Ms G. White answered on one write up and told me that I was going to see a Doctor on 9-8-21, well 9-8-21 came and went and I've yet still seen a Medical Doctor or a Mental Health Doctor for my disorders and I need help. If only got worse for the entire month they have done nothing for me and still doing nothing for me. I'm still putting in write ups, & Grievences. Which I will write down everything for you. on Writeups, Facts, Grievences, Kiosk #'s,

On 9-14-21 I finally saw Megan Klansky, DO - Mental Health she came to C340 on my unit to talk to me and to put me on 'obnodine - High blood pressure meds that she says could help. I'm been taking High Blood pressure meds for a long time, so the colodine that she is going to prescribe isnt going to work for me if it didnt do anything yet. I told her that I've been writing up write ups and greivences to Mental Health and Medical and I told her that every thing was ignored and that I've spoken to the Ombudsman and my sister's friend that's a lawyer and they said that I should have never been ignored that Medical and Mental Health Superceeds being in a Quarantine and that a Doctor and Mental Health should have come seen me and not wait over a month. Dr. Klansky states we were in Quarantine and crushes it off. I ask if she could raise my sleeping meds and she told me that what I have is good enough, when Dr. Garcia said he would raise it if it wasnt working. I told her to go talk to him that I'm in pain and cant sleep. The ~~Propper~~ ^{Propper} meds for Turrets Syndrome to control it is Dopamine or Botulinum injections that will help release the vocal tick that goes through

(3)

Continue: Statement of Claim

my neck and left arm. The other medication is Fluoxetine and that might help control the sadness, Anxiety and O.C.D. that I'm having with the Turrets Syndrome. The Proper medication I should be put on for the (T.O.) Tardivisc Dysnea is ~~Sertraline~~

Ingrezza ~~and~~ ^{and} Dr Klansky DO said she would go talk to Dr. E. Garcia and walked away. It's over a month and my condition got worse because they didn't even start me on meds, these proper meds that will control my new disorders.

Today on 9-15-2021 I was called down to see a Doctor Geetha Hrishikeshan MD and she reviewed everything and even seeing that I was diagnosed with (T.O.) and (Turrets Syndrome) she would still not start me on the right medication. I even gave to her from what my sister looked up to control those disorders. I told her that I was in pain and all she would give me is moftrin and she has me being set up to see a Neurologist on a screen to talk with me. Not even going to see one in person to do things right. So now I still suffer with the pain and can't sleep.

①

Write Ups, Facts, Greivence's, Kiosk #'s

1. 8-9-21 - Mental Health write up before hospital, NSP21044849
2. 8-10-21 - Medical urgent telling about conditions, NSP21045067
3. 8-18-21 - Dr. Garcia - wrote a write up for meds to control disorders
and that he needed to raise the sleeping meds he said he was going to
raise if it wasn't working due to the extra disorders I've gained NSP
21046696
4. 8-20-21 - Dr. Garcia - asking for meds to control new disorders.
NSP21047141
5. 8-21-21 - Dr. Bartanni, Mental Health, asking her to come and see me
and nothing happened, NSP21047384
6. 8-22-21 - Dr. Garcia - asking to raise my sleeping meds because of my
new disorders and I can't sleep and it hurts NSP21047615
7. 8-21-21 - Wrote Greivence on Medical - because Head of Medical Ms. G
White said I was going to see a doctor on 9-8-21. I've been back since
8-16-21 haven't seen a doctor yet. NSP21047382
8. 8-21-21 - Mental health - wrote up on 8-21-21 about getting my
Mental Health Records and also not getting the proper meds I need
to control my Disorders and nothing happened, on 8-23-21 asked
about meds, 8-26-21 - Records and meds on a greivence on
Mental Health NSP21050557
9. 9-3-21. Administrations - A. Gangi wrote write up telling him
that our rights are being taken away from us (legal rights) even in
Quarantine. Told him that we are able to have medical treatment
Mental Health Law Library, A. Gangi writes back that we are
in Quarantine and nothing will be addressed. I appealed
his decision and it came back deemed appropriate, case
closed. Like he didn't care about my medical conditions or
Mental Health conditions and what he says goes. NSP21050333
10. On 8-18-21 Come back to C-3-W and was given a Top Bunk Kio-
wing I had a bottom bunk memo because of my disorders and had
to argue that I couldn't get in a Top bunk and then when I
got a bottom bunk from the Lt., it was on the top floor, knowing
I can't go up stairs like that, but I did it for a month and
I'm in bad shape.
11. 9-10-21 - I still yet to see a Doctor or Mental Health for my
new Disorders and meds to control them. My conditions are
definitely worse over the month not on Meds to control them

(2)

WriteUps, Facts, Grievance's, Kiosk's

8-26-21 - Dr Bartanni Mental Health - asking to come see me again and still nothing NSP21048672

9-10-21 - I've checked the kiosk for any responses to my Medical, Mental Health write ups, Grievances and Appeals and I still got nothing from any of them and I stated it was urgent

9-10-21 - Called the Ombudsman about 9:50 AM, Spoke to Ms. Mathews the Secretary and told her everything that was going on from start to finish and she told me that she would take care of it because I stadder a lot now and that she would be looking into all the write ups, grievances on the Kiosk and getting in touch with Administrators, Medical and Mental Health, but yet still nothing has happened and I've yet seen a doctor or Mental Health and yet its to late that they made my conditions worse then they were because they weren't treated for a month with the propper meds and therapy.

9-11-21 - I was still not seen. Officer Dawson took me from 418 to 318 because he sees how bad I'm getting and cant go up & down stairs any more. and they still got me up on the 3rd floor

9-12-21 I was still not seen by Doctor or Mental Health to get meds to take care of my disorders and now Officer Parker wants to move me on the 1st floor because he says I'm a liability coming up and going down the stairs and if I get hurt its on him. My conditions are getting worse and they hurt me and nothing was done about it for a month straight

9-13-21 - I wrote to Medical M&G White again this morning asking when I will be seeing a Doctor and Mental Health to get meds to take care of my Disorders because they are out of control and unbarable now. It really hurts my wrist/neck, left arm is stiff and jerking all the time and me staddering so much with my speech. My walk is getting slow. Every day that goes by my conditions worsen. NSP21052455

9-14-21 - Still have not been put on Medical list, or Mental Health to be seen to gain control of these offal Disorders. And writing it up again - NSP21052671

(3)

Write ups, Grievence's, Facts, Kiost #s

9-14-21 - Mental Health wrote to Dr. Garcia and Dr. Klansky about the right medications that I should be on to control the Turrets Syndrome. These Meds are Dopamine or Botulinum injections that help releave the vocal ticks I'm having in my neck and shoulder and arm

Also another medication that I should be taking with one of those injections is Fluoxetine and this will help with my controlling the Sadness I have, Anxiety and OCD I'm going through. These are the right meds I should be taking and not Blood Pressure medicine since they want to put me on that state only might help, but I've been on Blood Pressure meds for the longest and nothing is worked. NSP21052855

9-14-21 - I wrote to medical telling them that I need to see a doctor for my new Disorders and I need to be put on meds to control them because they are out of control and not seeing a Doctor or getting medical attention for a month, my conditions worsened. NSP21052858

9-15-21 - I wrote to Mental Health telling them that I want to be put on the proper meds for (T.D.) Tardisic Deneasia its called Ingrezza NSP21052873

Relief Factors = \$15,900,000.00 Dollars

1. Medical Negligence - \$2,000,000.00
2. No Meds for over a month to control disorders - \$2,000,000.00
3. No being able to move body parts equally with no Therapy - \$2,000,000.00
4. Major Depression - \$1,000,000.00
5. Cant talk properly - \$1,000,000.00
6. Rejection from Administration because we were in Quarantine and couldnt get medical or Mental Health attention, was Denied. \$1,000,000.00
7. Mental Anguish - \$350,000.00
8. No Motivation - \$350,000.00
9. Anxiety - \$200,000.00
10. Pain and Suffering - \$5,000,000.00